

EIGHTH DAY

(Wednesday, January 24, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Hazlewood	Wagonseller
Russell	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Russell was granted leave of absence for today on account of important business on motion of Senator Nokes.

Senator Wagonseller was granted leave of absence for today on account of death in the family, on motion of Senator Corbin.

Senator Hazlewood was granted leave of absence for today on account of important business, on motion of Senator Moffett.

Report of Standing Committee

Senator Moffett submitted the following report:

Austin, Texas,
January 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B.

No. 42, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Carter:

S. B. No. 82, A bill to be entitled "An Act regulating and licensing itinerant truckers; defining certain terms; providing exceptions; prescribing procedure for proof of exemption; providing for enforcement of this Act; providing that revenue arising from license fees shall go into the State Highway Fund; requiring insurance and bonds for protection of the public; providing for suit against obligor of assured in certain cases; providing for appointment of the Highway Department as agent to accept service of summons and prescribing the manner of service; and prescribing procedure regarding issuance, transfer and revocation of license; providing that the Highway Department shall make necessary and proper rules for the enforcement of this Act; providing for custody of motor vehicles operated in violation hereof; preserving powers of local units of Government; providing criminal penalty for violation of this Act; defining certain duties of the Attorney General; providing for severability; repealing conflicting laws; and declaring an emergency."

To Committee on State Highways and Motor Traffic.

By Senator Bell:

S. B. No. 83, A bill to be entitled "An Act amending Section 3 of Article II of House Bill 20, Chapter 173, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, by adding thereto a new subsection to be known as Subsection 4a providing that operators of certain commercial motor vehicles shall not be required to obtain commercial operator's licenses; and declaring an emergency."

To Committee on State Highways and Motor Traffic.

(President pro tempore in chair.)

By Senator Weinert:

S. B. No. 84, A bill to be entitled "An Act validating actions of governing bodies of school districts in constructing improvements on real estate leased to such school districts; validating all bonds issued or authorized by districts to construct such improvements, proceedings relating to the issuance of bonds, and all such leases; providing that school districts which prior to the effective date of this Act entered into leases whereby real estate has been leased to such districts may issue tax or revenue bonds with respect to such leased real estate for the purpose provided by and in accordance with the general laws relating to school districts; providing that this Act shall not apply to districts the organization, bonds, or leases of which are now involved in litigation; providing a severability clause; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Carney:

S. B. No. 85, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1951, and ending August 31, 1953; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

To Committee on Finance.

By Senator Carney:

S. B. No. 86, A bill to be entitled "An Act making appropriations for the operation, maintenance, and improvement of the several State institutions of higher learning, and for certain other educational agencies of the State, for the two fiscal years beginning September 1, 1951, and ending August 31, 1953, both dates inclusive; prescribing certain restrictions and procedures respecting the expenditures and finances of said institutions of higher learning and educational agencies; containing a savings clause; and declaring an emergency."

To Committee on Finance.

By Senator Carney:

S. B. No. 87, A bill to be entitled

"An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1951, and ending August 31, 1953, and for payment of other specified claims and items; providing for reports of absence from duty of employees; providing for the sale of printed matter; providing for installation of postage meter machines; regulating the use of photostat machines; providing for rentals on machines and equipment; providing the working hours and vacation allowance of employees; authorizing the receipt and use of Federal Aid; declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or re-election of certain candidates, and prescribing procedure for removal of such employees, and penalties, and making it unlawful to use state-owned automobiles and equipment in connection with political campaigns; prescribing regulations and restrictions on traveling expense and expense accounts of state officials and employees; prescribing the method and means for auditing State Departments; providing certain limitations on purchase of passenger cars; allowing free medical attention and hospitalization of prison employees; providing for a budget for the next succeeding biennium; limiting the use or occupancy of state-owned buildings; restricting publicity of Departments and individuals; providing for reimbursement of General Revenue Fund from certain Special Funds; providing for the Board of Control to negotiate purchase of Federal commodities; providing for audit of State Parks Funds; requiring the Federal Withholding Tax; and providing specific limitations and regulations with reference to the expenditure of the appropriations made herein; providing a savings clause; and declaring an emergency."

To Committee on Finance.

By Senator Carney:

S. B. No. 88, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the State Hospitals and Special Schools, and the Youth Development Council of the State of Texas for the two-year period beginning September 1, 1951, and ending August 31, 1953; and prescribing certain regulations and restrictions

in respect to the expenditure of said appropriations; providing a saving clause; and declaring an emergency."

To Committee on Finance.

By Senator Carney:

S. B. No. 89, A bill to be entitled "An Act making appropriations to supplement local funds for the support and improvement of accredited public junior colleges of Texas for the two-year period beginning September 1, 1951, and ending August 31, 1953, prescribing certain requirements of eligibility for participation in this appropriation; establishing the basis and manner for apportioning the sums herein appropriated; prescribing a penalty for the deliberate falsification of records used as a basis for apportioning said appropriated sums; and declaring an emergency."

To Committee on Finance.

Executive Session

On motion of Senator Lane, and by unanimous consent, the Senate agreed to hold an executive session at 10:45 o'clock a. m. today.

Accordingly, the President pro tempore directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Adjutant General for a two-year term:

Major General K. L. Berry of Denton, Denton County.

To be Assistant Adjutant General:

Brig. General William H. Martin of Houston, Harris County.

To be a member of the Texas Burial Association Rate Board to fill the unexpired term of Harry O. Skinner, resigned, term to expire June 12, 1955:

Dale Broussard of Beaumont, Jefferson County.

To be a member of the Texas Civil Judicial Council to fill unexpired term of Judge L. Broeter:

O. L. Parish of Ballinger, Runnels County.

To be Judge of the 75th Judicial District to fill the unexpired term of Judge Clyde Smith, resigned:

P. C. Matthews of Liberty, Liberty County.

To be Judge of the 65th Judicial District to fill the unexpired term of the late Judge Ballard Coldwell:

Morris Galatzan of El Paso, El Paso County.

To be Judge of the 17th Judicial District to fill the unexpired term of Judge Frank Culver, resigned:

Jack Langdon of Fort Worth, Tarrant County.

To be Judge of the 20th Judicial District to fill the unexpired term of Judge W. A. Morrison, resigned:

O. D. Graham of Thorndale, Milam County.

To be Judge of the 43rd Judicial District to fill the unexpired term of Judge J. E. Carter, resigned:

Frank Fulgham of Weatherford, Parker County.

To be Firemen's Pension Commissioner for term to expire July 1, 1951:

Frank Williams of Winters, Runnels County.

To be member of the Highway Commission for six-year term to expire February 15, 1957, and Chairman for term beginning February 16, 1951:

E. H. Thornton, Jr., of Galveston, Galveston County.

To be Life Insurance Commissioner for six-year term to expire February 10, 1957:

George B. Butler, of Austin, Travis County.

To be a member of the State Board of Examiners for Land Surveyors to succeed A. C. Stimson, resigned:

John Baker of Fort Worth, Tarrant County.

To be Labor Commissioner for two-year term:

M. B. Morgan of Denison, Grayson County.

To be Members of the Board of Directors of the Nueces River Conservation and Reclamation District:

Terms to expire February 1, 1951: Carroll Wheeler of McMullen County,

to fill unexpired term of Albert Steves, deceased; Lytle Tom of Campbellton, Atascosa County to fill unexpired term of John Casey, deceased.

Term to expire February 1, 1953: Lee Pope, Jr., of Three Rivers, Live Oak County, to fill unexpired term of Tom Miller, deceased.

Term to expire February 1, 1955: L. J. Dean of Campwood, Real County, to fill unexpired term of J. M. Cavender, deceased.

To be members of the Board of Directors of the Neches River Conservation District:

Terms to expire September 5, 1955: Oscar Burton of Tyler, Smith County; James W. Peavy, Lufkin, Angelina County; Ben Hearne, Palestine, Anderson County.

Terms to expire September 5, 1953: J. M. Travis, Jacksonville, Cherokee County; E. R. Gregg of Rusk, Cherokee County; Jim Ben Eden of Corrigan, Polk County.

Term to expire September 5, 1951: Joe Richards of Trinity, Trinity County.

To be a member of the State Board of Public Welfare for six-year term to expire January 20, 1957:

J. Byron Saunders of Tyler, Smith County.

To be Associate Justice of the Supreme Court of Texas to fill the unexpired term of Honorable James P. Hart, resigned:

Clyde E. Smith of Woodville, Tyler County.

To be Secretary of State for two-year term:

John Ben Shepperd of Gladewater, Gregg County.

To be a member of the San Jacinto State Park Commission to fill the unexpired term of the late Will Kendall, term to expire May 23, 1951:

Charles E. Gilbert, Jr., of Houston, Harris County.

To be a member of the San Jacinto State Park Commission to fill the un-

expired term of O. H. Carlisle, deceased, term to expire May 23, 1951:

W. T. Kendall of Houston, Harris County.

To be a member of the Sabine River Authority to fill the unexpired term of E. G. Prud'homme, resigned, term to expire July 6, 1953:

Drayton B. Speights of Hemphill, Sabine County.

To be members of the State Board of Tuberculosis Nurses Examiners:

For six-year term to expire May 15, 1956: Miss Mildred Blair, Sanatorium, Tom Green County.

For four-year term to expire May 15, 1954: Mrs. Edna G. Thomas, Mission, Hidalgo County.

For two-year term to expire May 15, 1952: Mrs. Jessie Williams Smith, Sanatorium, Tom Green County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:13 o'clock a. m.

Communication From the Supreme Court

The President laid before the Senate and directed the Secretary to read the following communication, which was referred to the Committee on Nominations of the Governor:

January 23, 1951.

To the Senate of Texas:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a member of the State Board of Pardons and Paroles, Mr. Thomas B. White of La Tuna, El Paso County, Texas.

J. E. HICKMAN,
Chief Justice,
The Supreme Court of Texas.

Adjournment

On motion of Senator Bullock, the Senate at 11:15 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
Dean E. E. Davis

Senator Kelly of Tarrant offered the following resolution:

(Senate Concurrent Resolution 13)

Whereas, on Wednesday, December 13, 1950, God the Almighty called from his earthly existence one of our most able and valuable citizens, The Honorable Dean Emeritus of Arlington State College, Dean E. E. Davis, and

Whereas, Even though this pioneer of rural education was born in Williamsburg, Missouri on March 11, 1881, he was really a West Texan; for at the age of four years his father, a great grandson of Daniel Boone, moved his family to Texas, settling in Erath County, near Stephenville, and

Whereas, At the youthful age of eighteen he commenced his duties as an Educator and the remainder of his long and useful life was dedicated to the training of youth, his services being immeasurable, and

Whereas, For twenty-one years Dean Davis was head of North Texas Agricultural College, former name of Arlington State College until his retirement in 1946; and during his tenure this institution grew into the largest State supported junior college in the Southwest, and

Whereas, In the year 1946 he was selected as Arlington's citizen of the year and was honored on "Davis Day"; and a likeness of Dean Davis cast in Bronze, was given a permanent place in Arlington State College in 1941, and

Whereas, In his passing Texas lost a great man; friend of youth, and builder whose efforts will continue to bear fruits in the years to come, now therefore be it

Resolved, That the Senate of the State of Texas, the House of Representatives concurring, extend to the bereaved family of the late Dean E. E. Davis, to his many friends and neighbors, the heartfelt sympathy of the Texas Legislature and further be it

Resolved, that a copy of this resolution be mailed to his surviving wife, brother, three sisters, and that a copy be forwarded to Dr. E. H. Hereford, President of Arlington State College.

KELLY OF TARRANT

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of The Most Reverend C. E. Byrne

Senator Phillips offered the following resolution:

(Senate Concurrent Resolution 12)

Whereas, On the first day of April, 1950, Almighty God in his wisdom called from our midst the Most Reverend C. E. Byrne, Bishop of the Galveston Diocese; and

Whereas, To Catholics and non-Catholics alike, not only in the Galveston Diocese but throughout the State of Texas, the news of his passing brought a sense of great loss and bereavement, as thousands in all walks of life had long looked to him for spiritual, moral and civic guidance; and

Whereas, Bishop Byrne had come to Texas in 1918 from his native Missouri and quickly had made his presence felt because of his inspiring leadership, his dynamic personality and his religious zeal—qualities that were highly instrumental in the amazing growth of the Diocese of Galveston during his tenure; and

Whereas, He was largely responsible for the establishment of many new churches and missions, including the new Diocese of Austin that was carved out of the Galveston Diocese, while in Houston alone the number of churches increased from eight to twenty-eight and the Catholic population of his Diocese increased from 70,000 to over 250,000; and

Whereas, Mere figures, while impressive, do not tell the whole story of his fruitful labors, which included the improvement and expansion of hospitals, schools, convents, orphanages and other institutions under his supervision; and

Whereas, In spite of his devotion to the duties of the Church, he found time to take part in worthwhile public enterprises including state service and at the time of his death was serving as a member of the Texas Good Neighbor Commission; and

Whereas, He was a mighty champion of the right, fearless in his espousal of causes that he felt to be just; yet he was a man of sweet and kindly disposition whose tolerant, understanding and magnanimous spirit made him one to be loved as well as respected; and

Whereas, It was significant that the last day in the life of this good man, vigorous still at the ripe age of 82, was filled with good works, including the dedication of the new Moody home for children suffering from cerebral palsy at Galveston and his customary visitations with the sick; and

Whereas, The life of Bishop Byrne will always be an inspiration to those who knew him and his memory will be honored down through the years; and

Whereas, It is the desire of the Senate and the House of Representatives to recognize and to pay tribute to the services and useful life of this outstanding churchman and Texan; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, That we express our sorrow over the passing of this beloved citizen; that a page in the Journal be set aside to this memory; that a copy of this resolution be sent to Bishop Wendlin J. Nold of the Diocese of Galveston; and that when the Senate and the House stand adjourned today, they do so in respect to the memory of the Most Reverend C. E. Byrne.

PHILLIPS
STRAUSS

The resolution was read and was adopted by a rising vote of the Senate.